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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,977	08/09/2001	John David Busfield	786515600022	4368

24325 7590 05/16/2005

STEPHEN D. SCANLON
JONES DAY
901 LAKESIDE AVENUE
CLEVELAND, OH 44114

EXAMINER	
NGUYEN BA, HOANG VU A	
ART UNIT	**PAPER NUMBER**
2192	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/925,977	BUSFIELD, JOHN DAVID	
	Examiner	Art Unit	
	Hoang-Vu A. Nguyen-Ba	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 January 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to amendment filed January 5, 2005.

2. Claims 1-7 remain pending.

Response to Amendments

3. Per Applicants' request, claims 2-3 have been amended.

4. The objection to the drawings is withdrawn in view of Applicants' amendments to these drawings to correct minor informalities.

5. The rejection of claims 2 and 3 under 35 U.S.C. § 112, second paragraph as being indefinite is withdrawn in view of Applicants' amendments to these claims to remove specific reference to identified trademarks/trade names.

Response to Arguments

6. Applicant's arguments filed January 5, 2005 have been fully considered but they are not persuasive. Following is the Examiner's response to Applicants' arguments.

With respect claim 1, Applicants essentially argue that cited chapters 5 and 11 of SAMS are only discussions of basic topics in Javascript® programming and do not disclose the limitations of claim 1. In response, the Examiner notes that Applicants' invention relates to the use of computer scripting languages imbued with certain object-oriented features to assist in the deployment and utilization of the content at a user's computer (instant disclosure, page 3, lines 7-9). Since SAMS' Javascript® is a scripting language imbued with the object-oriented features of Java®, Javascript® also inherits the features of Java® such as those recited in claim 1 (e.g., chapter 5's Using Variables and Functions describes how to declare and define a function).

With respect to claim 7, Applicants essentially assert that SAMS' chapter 11 does not disclose means for redefining a function contained in the parent class within

the child class, whereby the function redefined within the child class is called while preserving the ability to call the function defined within the parent class. In response, the Examiner notes that the means for redefining a function contained in a parent class within a child class is the commonly known feature of overriding superclass methods in Java®. See Java® In A Nutshell, Third Edition by David Flanagan, page 101. Since SAMS' Javascript® is a scripting language imbued with the object-oriented features of Java®, Javascript® also inherits the features of Java®.

In view of Applicants' amendments to of the foregoing discussion, the Examiner considers the rejection of claims 1 and 7 under 35 U.S.C. § 102(a) as being anticipated by SAMS still proper.

Claim Rejections – 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-2 and 6-7 are rejected under 35 U.S.C. § 102(a) as being anticipated by SAMS, Teaching Yourself Javascript in 24 Hours.

Claim 1

SAMS discloses at least:

(a) declaring and defining a function to serve as a parent class (see at least Chapter Hour 5, section Using Functions; Chapter Hour 11, section Using Objects to Simplify Scripting);

(b) declaring and defining a function to serve as a child class of the parent class (see at least Chapter Hour 11, section Using Objects to Simplify Scripting);

(c) creating a reference to an instance of the child class function (see at least Chapter Hour 11, section Using Objects to Simplify Scripting);

(d) creating a reference to an instance of the parent class function (see at least Chapter Hour 11, section Using Objects to Simplify Scripting); and

(e) redefining a function contained in the parent class within the child class, whereby the function redefined within the child class is called while preserving the ability to call the function defined within the parent class (see at least Chapter Hour 11, section Using Objects to Simplify Scripting).

Claim 2

The rejection of base claim 1 is incorporated. SAMS further discloses *wherein the scripting language allows for dynamic behavior to be specified within a Hypertext Markup Language (HTML) document* (see at least Chapter Hour 4).

Claim 6

The rejection of base claim 1 is incorporated. Claim 6 further recites:

declaring and defining a function to serve as a subchild class of the child class;

creating a reference to an instance of the subchild class function; creating a reference to an instance of the child class function; and redefining a function contained in the child class within the subchild class;

whereby the function redefined within the subchild class is called while preserving the ability to call the function defined within the child class.

These features are the same features recited in claim 1 applied to a subclass of a child class. The same rejection is thus applied.

Claim 7

Since claim 7 recites a computer-readable medium that contains software for simulating the inheritance properties of object-oriented programming language when programming using a scripting language comprising the method steps of claim 1, the same rejection is also applied.

Claim Rejections – 35 USC § 103

9. The following is a quotation of the 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAMS as applied to base claim 1, in view of U.S. Patent No. 6,083,276.

Claim 3

The rejection of base claim 1 is incorporated. SAMS does not specifically disclose *wherein the scripting language is an interpreted script language that is based upon a BASIC programming langauge.* However, Davidson teaches that Visual Basic scripting

language (VBScript™) is part of a family multi-purpose "scripting" language like Javascript™ that can be used to facilitate coordination and use of external components in the creation and configuration of component-based applications using a test-based descriptive attribute grammar (2:30-33). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to substitute one for the other in accordance with the application for the purpose discussed above.

Claim 4

The rejection of base claim 1 is incorporated. SAMS does not specifically disclose *wherein the scripting language is used to assist in the presentation of multimedia content on a viewing device.* However, Davidson teaches script-oriented "authoring tools" such as Macromedia's® Director® for a user-friendly development of multi-media applications. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Davidson's feature in SAMS for the purpose discussed above.

Claim 5

The rejection of base claim 1 is incorporated. SAMS does not specifically disclose *wherein a web page that contains the scripting language is sent over a network to a viewing device so that multimedia content may be presented on the viewing device.* However, Davidson teaches script-oriented "authoring tools" such as Macromedia's® Director® for a user-friendly development of multi-media applications. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Davidson's feature in SAMS for the purpose discussed above.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday-Friday, 7:15 – 17:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTONY NGUYEN-BA
PRIMARY EXAMINER

Art Unit 2192

May 11, 2005

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REPLACEMENT SHEET

OIPE JC105
JAN 05 2005
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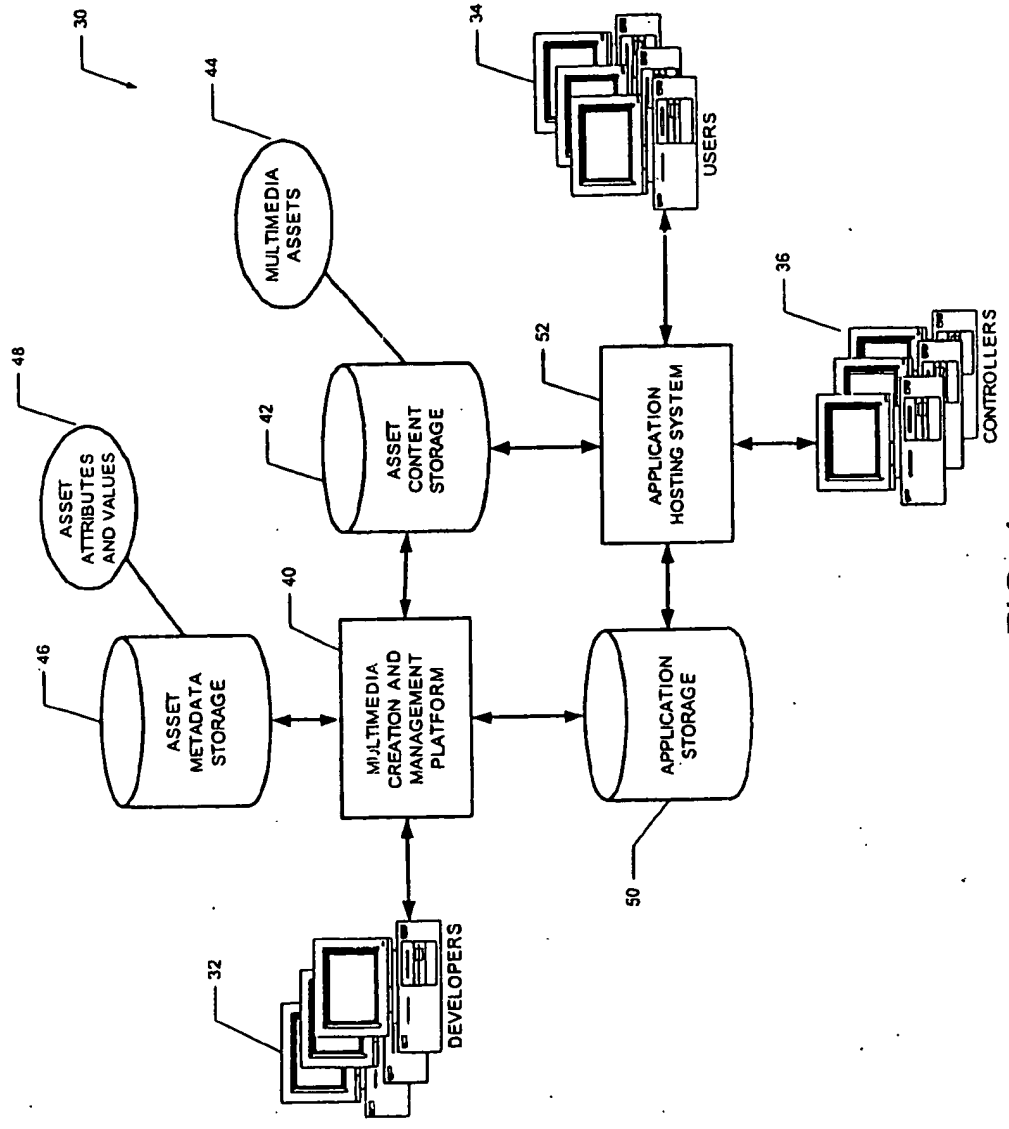
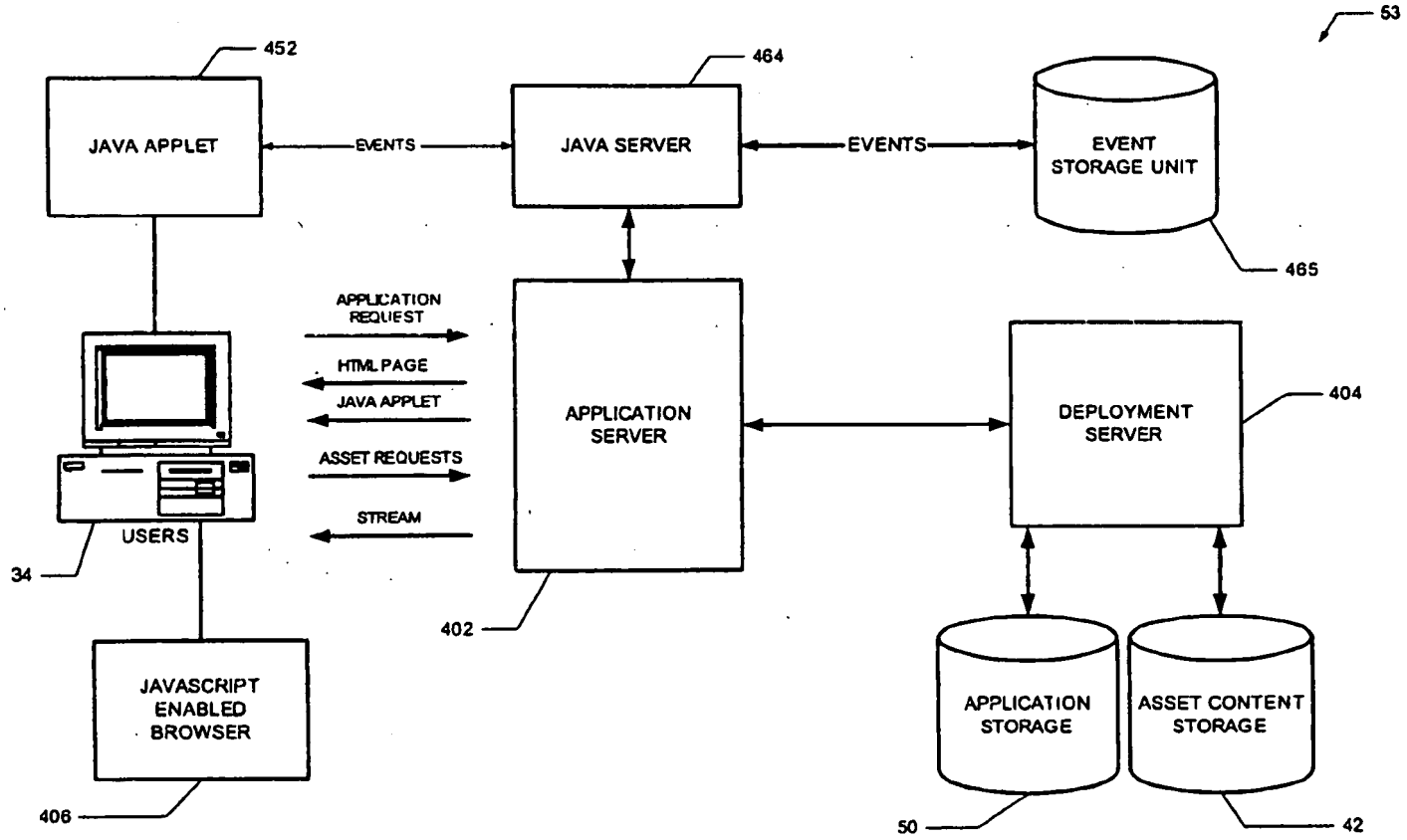


FIG. 1

Approved by examiner Han 5/11/05

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REPLACEMENT SHEET

FIG. 9A

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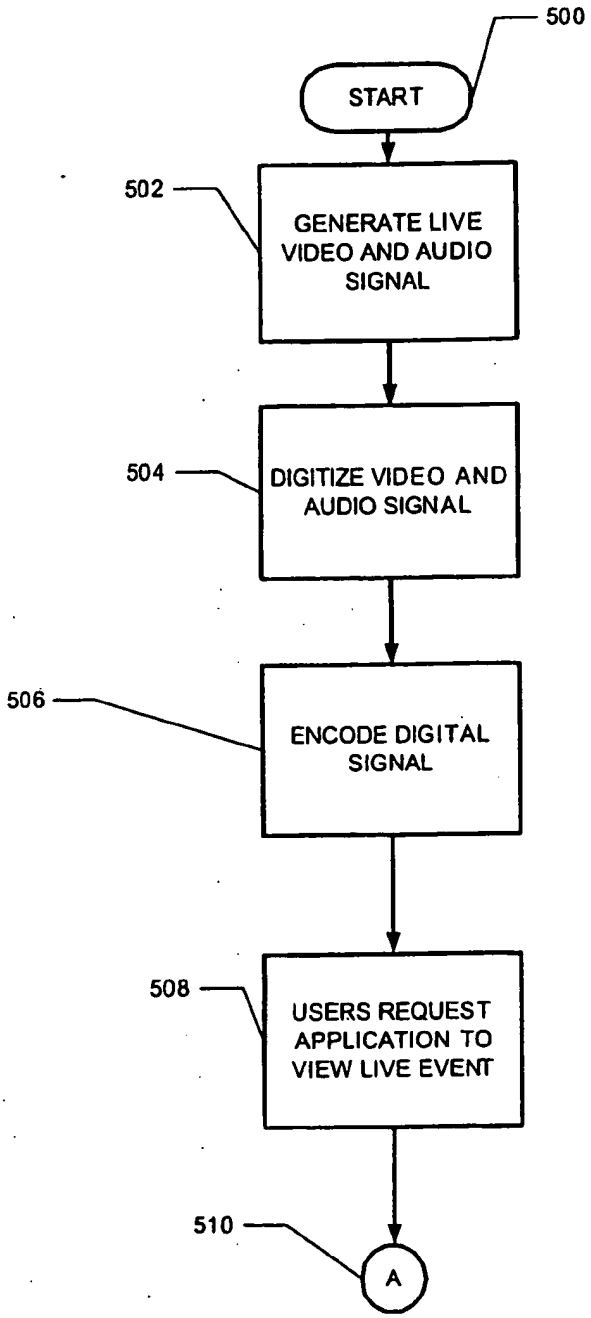


FIG. 11A

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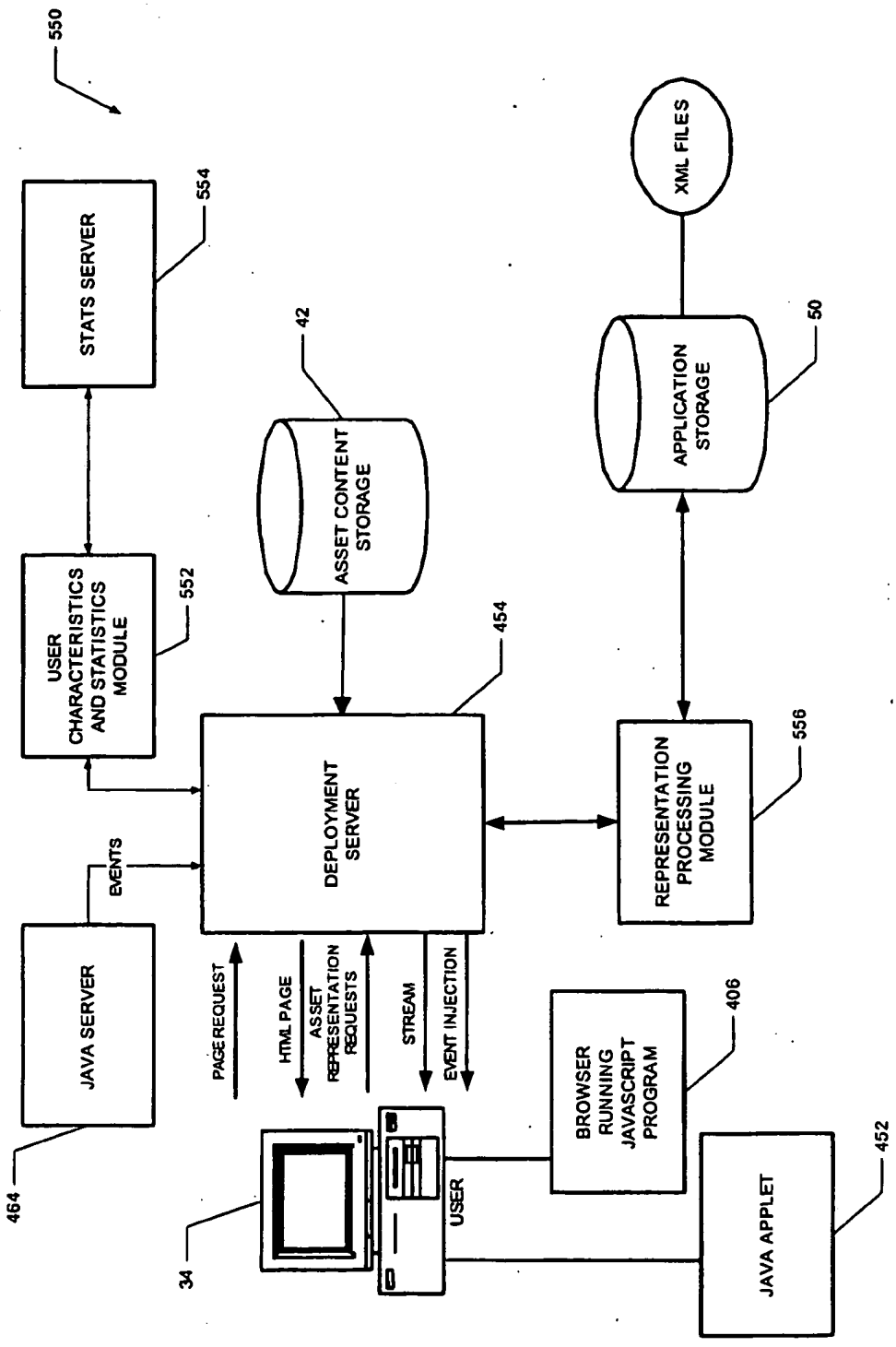


FIG. 12A

Approved by examiner Glen 5/11/05

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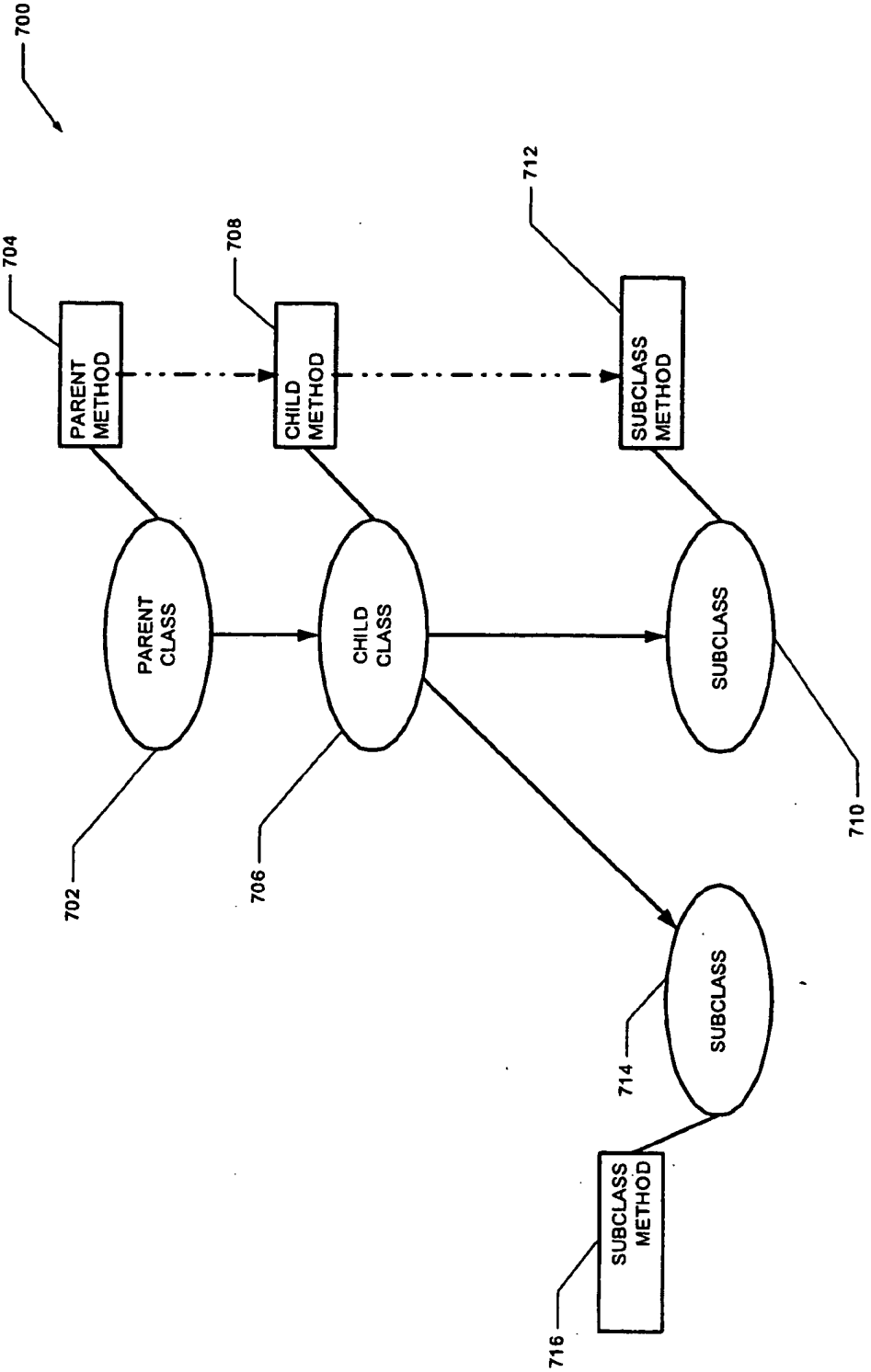


FIG. 14

Approved by examiner Glen 5/11/05

Approved by examiner Hoa 5/11/05

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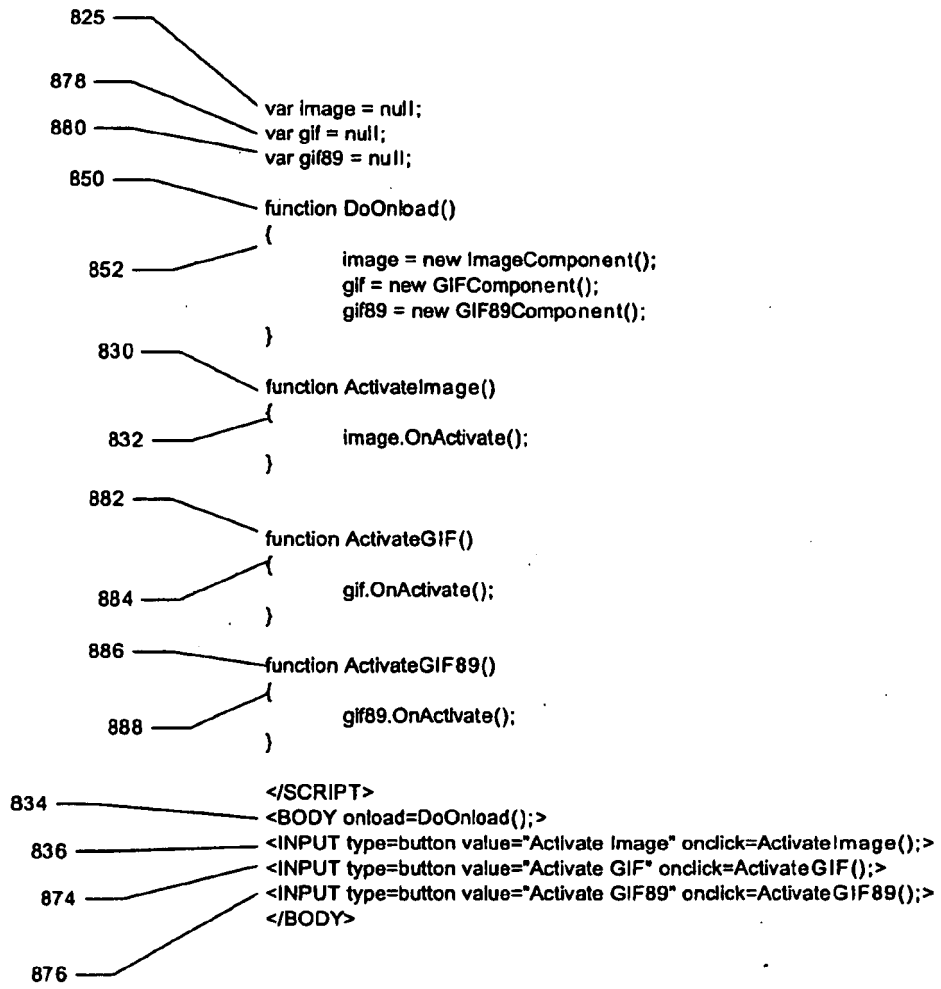


FIG. 15E

REPLACEMENT SHEET

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Approved by examiner Hon 5/11/05

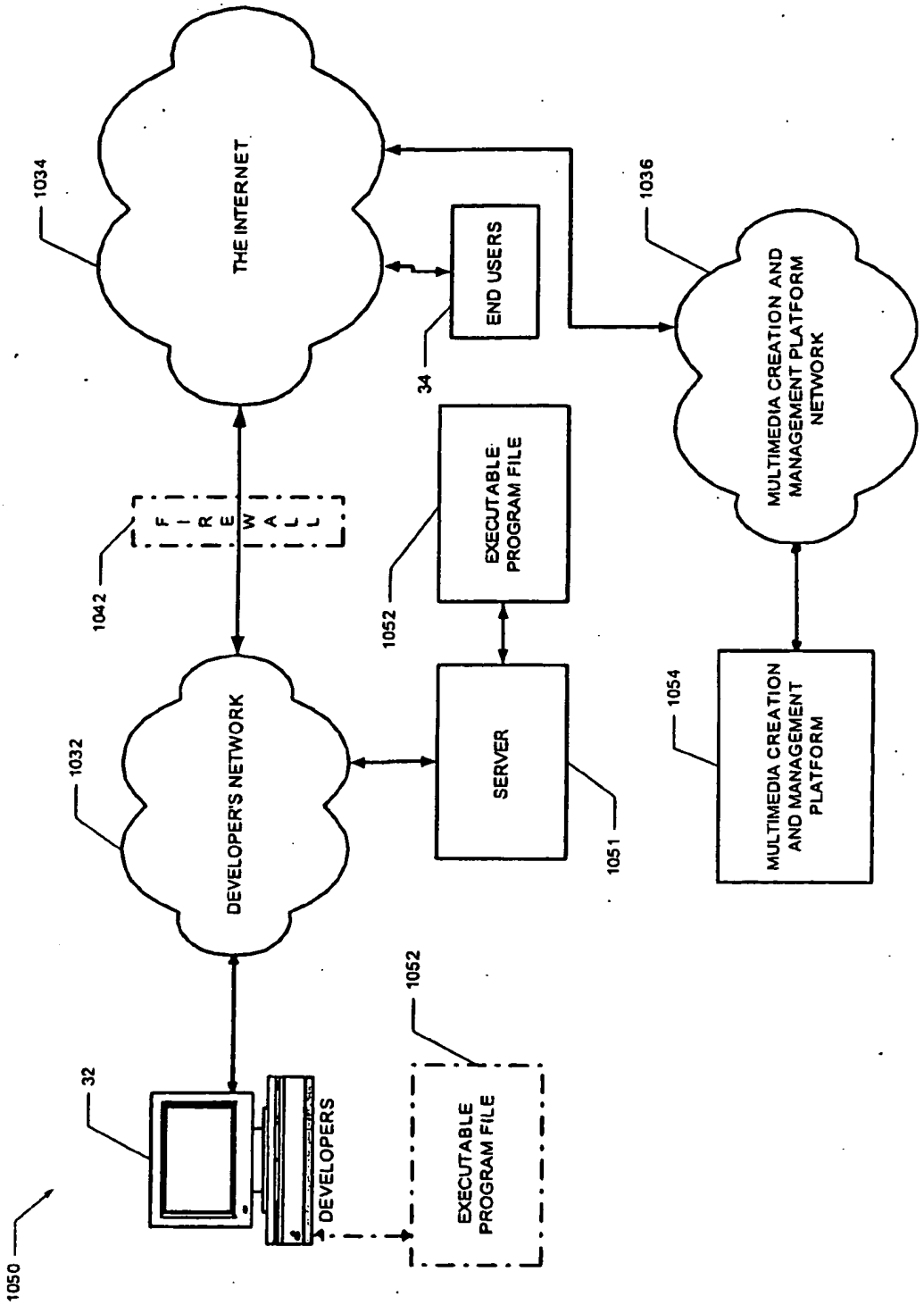


FIG. 17B